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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/718,150

11/20/2000

Mike Wilson

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08/03/2004

ALCATEL INTERNETWORKING, INC.
ALCATEL-INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

WAHBA, ANDREW W

ART UNIT

PAPER NUMBER

2661

15

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,150

Applicant(s)

WILSON ET AL.

Examiner

Andrew W Wahba

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-25 is/are allowed.
- 6) ☒ Claim(s) 1,2,9-11 and 26 is/are rejected.
- 7) ☐ Claim(s) 3-8,12-18,27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11.12</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Harriman et al (5,898,687).

With regard to claim 1, Harriman et al discloses a network switch that has a plurality of input ports (plurality of switching modules) as illustrated by FIG 3. The input ports connect to a strict priority output port 320 (backplane) (column 7, line 21-23). Each port has a unicast/multicast output queue that corresponds to one of four priority levels (flow integrity) (column 7, lines 13-15). At each cell time, an arbitration mechanism 300 evaluates the states of the queue pairs and transmits (transmitting) a cell from a non-empty pair having the highest priority (column 7, lines 17-20). In this manner, the remaining queues with lower priority are temporarily disabled.

With regard to claim 2, at each cell time, an arbitration mechanism 300 evaluates the states of the queue pairs and transmits (transmitting) a cell from a non-empty pair having the highest priority (column 7, lines 17-20). In this manner, the remaining three queues with lower priority are temporarily disabled.

With regard to claim 9, Harriman et al discloses a network switch that has a plurality of input ports (plurality of switching modules) as illustrated by FIG 3. The input ports connect to a strict priority output port 320 (backplane) (column 7, line 21-23). Each port has a unicast/multicast output queue that corresponds to one of four priority levels (flow integrity) (column 7, lines 13-15). At each cell time an arbitration mechanism 300 evaluates the states of the queue pairs and transmits (transmitting) a cell from a non-empty pair having the highest priority (column 7, lines 17-20). In this manner, the remaining three queues with lower priority are temporarily disabled. The unicast/multicast output queue 302 corresponds to a first path and unicast/multicast output queue 304 corresponds to a second data path.

With regard to claim 10, each port of the switch has a unicast and multicast output queue that correspond to means for transmitting a first data unit and means for transmitting a second data unit (column 7, lines 12-14).

With regard to claim 11, at each cell time, an arbitration mechanism 300 evaluates the states of the queue pairs and transmits (transmitting) a cell from a non-empty pair having the highest priority (column 7, lines 17-20). In this manner, the remaining queues with lower priority are temporarily disabled.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Williams (5,559,883).

With regard to claim 26, Williams discloses an apparatus for secure data packet communication in which a security module (first network interface module) reads (receiving) data packets from a backplane bus (column 4, lines 8-12) that connects network users (column 3, lines 59-61). The format of the data packet, is illustrated in Figure 4, includes a source address 11 and a destination address 22. Williams further discloses a source address look up table (source learning) (column 4, line 15) that sends information to the security processor indicating whether the source address was located (unknown source address) and whether the data packet should be transmitted (transmitting) (column 4, lines 19-26). The data packet is not transmitted until the source look-up table recognizes the source.

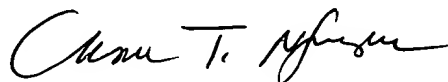
Allowable Subject Matter

5. Claims 19-25 allowed.
6. Claims 3-8, 12-18, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (703) 305-4684. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrew Wahba
July 19, 2004



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600